

## **REMARKS**

Claims 4, 5, 7, 9, and 24-30 are cancelled. Claims 1, 6, 11, 15, 19, and 23 are amended. Claims 1-3, 6, 8, and 10-23 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

### **I. Claims Rejected Under 35 U.S.C. § 103(a)**

A. Claims 1, 2, 4-7, 10, 11, 14, 15, 17, 18, 24-27, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,049,765 issued to Iyengar et al. ("Iyengar") in view of US Patent No. 6,035,179 issued to Virtanen ("Virtanen").

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Claim 1 is amended to more clearly point out that the determination of the silence description frame is performed at a receiving station, wherein the silence description includes a first pattern to differentiate the silence description frame from the active frame, a packet that describes comfortable noise, the count of silence frames, and a second pattern to indicate an end of the silence description frame. Iyengar in view of Virtanen does not teach or suggest these elements. Thus, Iyengar in view of Virtanen does not teach or suggest each of the elements of Claim 1.

Analogous discussions apply to independent Claim 11. In regard to Claims 2, 6, 10, 14, 15, 17, and 18, these claims respectively depend from Claims 1 and 11, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claims 1 and 11, these claims are non-obvious over Iyengar in view of Virtanen. Claims 4, 5, 7, 24-27, and 30 are canceled. Accordingly, reconsideration and withdrawal of the § 103 rejection of Claims 1, 2, 4-7, 10, 11, 14, 15, 17, 18, 24-27, and 30 are requested.

B. Claims 3, 12, 13, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iyengar in view of Virtanen and further in view of U.S. Patent No. 6,718,298 issued to Judge ("Judge").

Claims 3, 12, 13, and 16 depend from Claims 1 and 11, respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claims 1 and 11, Iyengar in view of Virtanen does not teach or suggest each of the elements of these claims.

Judge does not cure the deficiencies. Judge does not teach or suggest that the determination of the silence description frame is performed at a receiving station, wherein the silence description includes a first pattern to differentiate the silence description frame from the active frame, a packet that describes comfortable noise, the count of silence frames, and a second pattern to indicate an end of the silence description frame. Thus, Iyengar in view of Virtanen and further in view of Judge does not teach or suggest each element of Claims 1 and 11, and their dependent claims.

Accordingly, reconsideration and withdrawal of the § 103 rejection of Claims 3, 12, 13, and 16 are requested.

C. Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iyengar in view of Virtanen and further in view of U.S. Patent No. 6,347,081 issued to Bruhn ("Bruhn").

Claim 9 is canceled. Claim 8 depends from Claim 1 and incorporates the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Iyengar in view of Virtanen does not teach or suggest each of the elements of these claims.

Bruhn does not cure the deficiencies. Bruhn does not teach or suggest that the determination of the silence description frame is performed at a receiving station, wherein the silence description includes a first pattern to differentiate the silence description frame from the active frame, a packet that describes comfortable noise, the count of silence frames, and a second pattern to indicate an end of the silence description frame. Thus, Iyengar in view of Virtanen and further in view of Bruhn does not teach or suggest each element of Claim 1 and its dependent claim, namely, Claim 8.

Accordingly, reconsideration and withdrawal of the § 103 rejection of Claims 8 and 9 are requested.

D. Claims 19, 21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iyengar in view of Virtanen and further in view of U.S. Patent No. 5,241,535 issued to Yoshikawa (“Yoshikawa”).

Independent Claim 19 is amended to include the elements of “a receiving station .... to store a silence description frame, the silence description frame including: a first pattern to differentiate the silence description frame from the active frame, a packet that describes comfortable noise, the count of silence frames, and a second pattern to indicate an end of the silence description frame.” Thus, for similar reasons mentioned above in regard to Claim 1, Iyengar in view of Virtanen does not teach or suggest each of the elements of Claim 19.

Claims 21 and 23 depend from Claim 19 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 19, Iyengar in view of Virtanen does not teach or suggest each of the elements of these claims.

Yoshikawa does not cure the deficiencies. Yoshikawa is relied on for disclosing a variable-size packet transmitter. However, Yoshikawa does not teach or suggest that the determination of the silence description frame is performed at a receiving station, wherein the silence description includes a first pattern to differentiate the silence description frame from the active frame, a packet that describes comfortable noise, the count of silence frames, and a second pattern to indicate an end of the silence description frame. Thus, Iyengar in view of Virtanen and further in view of Yoshikawa does not teach or suggest each element of Claim 19, and its dependent claims, namely, Claims 21 and 23.

Accordingly, reconsideration and withdrawal of the § 103 rejection of Claims 19, 21, and 23 are requested.

E. Claims 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Iyengar in view of Virtanen and further in view of Yoshikawa and further in view of U.S. Patent No. 5,890,109 issued to Walker et al. (“Walker”).

Claim 20 depends from Claim 19 and incorporates the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 19, Iyengar in view of Virtanen and further in view of Yoshikawa does not teach or suggest each of the elements of Claim 20.

Walker does not cure the deficiencies. Walker is relied on for disclosing the playback of an audio signal including silence frames. However, Walker does not teach or suggest that the determination of the silence description frame is performed at a receiving station, wherein the silence description includes a first pattern to differentiate the silence description frame from the active frame, a packet that describes comfortable noise, the count of silence frames, and a second pattern to indicate an end of the silence description frame. Thus, the cited references, separately or combined, do not teach or suggest each element of Claim 19, and its dependent claim, namely, Claim 20.

Accordingly, reconsideration and withdrawal of the § 103 rejection of Claim 20 are requested.

F. Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Iyengar in view of Virtanen and further in view of Yoshikawa and further in view of U.S. Patent No. 5,486,863 issued to Auyeung et al. ("Auyeung") and further in view of Examiner's Official Notice.

Claim 22 depends from Claim 19 and incorporates the limitations thereof. Thus, for at least the foregoing reasons, Iyengar in view of Virtanen and further in view of Yoshikawa does not teach or suggest each of the elements of Claim 22.

Auyeung does not cure the deficiencies. Auyeung is relied on for disclosing the use of a microprocessor to encode a video difference. However, Auyeung does not teach or suggest that the determination of the silence description frame is performed at a receiving station, wherein the silence description includes a first pattern to differentiate the silence description frame from the active frame, a packet that describes comfortable noise, the count of silence frames, and a second pattern to indicate an end of the silence description frame. Further, the Examiner's Office Notice relates to fixed-sized packets and does not address the amended elements. Thus, the cited references, separately or combined, do not teach or suggest each element of Claim 19, and its dependent claim, namely, Claim 22.

Accordingly, reconsideration and withdrawal of the § 103 rejection of Claim 22 are requested.

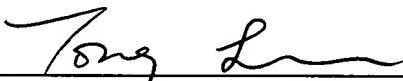
### CONCLUSION

In view of the foregoing, it is believed that all claims now are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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